

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JAMES CARMICHAEL, DARRYL HOWARD, )  
STEVEN HOWARD, AND TERRENCE )  
MASON, )**

**Plaintiffs,**

**v.**

**BRAGGS LUMBER AND CO., INC., a )  
corporation licensed and doing business in the )  
State of Alabama, )**

**Defendant. )**

**Civil Action No.: 2:07-cv-976-WKW  
Plaintiff Demands Jury Trial**

**PLAINTIFFS' FIRST MOTION FOR LEAVE TO AMEND THEIR COMPLAINT**

COME NOW Plaintiffs, pursuant to Rule 15(a) of the *Federal Rules of Civil Procedure*, and move this Honorable Court to grant Plaintiffs' First Motion for Leave to Amend Their Complaint, and as grounds therefore state as follows:

1. Plaintiffs filed suit on October 30, 2007. (*See Case History, Document #1*). Defendant was served on November 5, 2007. (*See Case History, Documents #4 & #5*). Defendant filed an answer in this case on December 27, 2007. (*See Case History, Document #7*).
2. Subsequent to filing their initial Complaint, Plaintiffs have acquired new information that justifies the filing of an Amended Complaint.
3. This new information regards additional parties who were, at the same time and in the same manner, subjected to Defendant's alleged misconduct, as were Plaintiffs herein.

For the foregoing reasons, Plaintiffs request that this Honorable Court grant their First Motion for Leave to Amend Their Complaint.

Respectfully submitted this the 11th day of January, 2008.

/s/ Andy Nelms  
K. Anderson Nelms  
847 So. McDonough Street, Ste 100  
Montgomery, AL 36104  
ASB-6972-E63K  
Phone: (334) 263-7733  
Fax: (334) 832-4390  
[andynelms@andersonnelms.com](mailto:andynelms@andersonnelms.com)  
Counsel for Plaintiff

Of Counsel:

Law Offices of Jay Lewis  
847 So. McDonough Street, Ste 100  
Montgomery, Alabama 36104

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing on the following parties and/or counsel by electronic filing or placing a copy of the same in the United States mail, postage prepaid and properly addressed, or by hand delivery on this the 11<sup>th</sup> day of January, 2008.

Lewis S. Hamilton  
Attorney for Defendant  
505 E. Commerce Street  
Greenville, Alabama 36037

/s/ Andy Nelms  
K. Anderson Nelms  
847 So. McDonough Street, Ste 100  
Montgomery, AL 36104  
ASB-6972-E63K  
Phone: (334) 263-7733  
Fax: (334) 832-4390  
[andynelms@andersonnelms.com](mailto:andynelms@andersonnelms.com)  
Counsel for Plaintiff